MISSOURI DEPARTMENT OF NATURAL RESOURCES

Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri - Frequently Asked Questions

Technical Bulletin

Hazardous Waste Program

6/2002

What is the Missouri Registry of Hazardous Waste sites?

The Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (*Registry*) is maintained by the Missouri Department of Natural Resources pursuant to the Missouri Hazardous Waste Management Law, Section 260.440, RSMo. Sites listed on the Registry appear on a publicly available list. A notice filed with the Recorder of Deeds documents hazardous waste contamination at the site, and notice regarding contamination must be provided by the seller to potential buyers. The use of a property listed on the *Registry* may not change substantially without the written approval of the department.

How does the Registry protect property buyers?

The *Registry* protects property buyers from inadvertently purchasing contaminated property. When a property is placed on the *Registry*, the history of the property as a hazardous waste disposal area is filed with the Recorder of Deeds. If a site is removed from the *Registry* after cleanup, this change is also filed with the Recorder of Deeds. These records notify any purchasers that the property is, or has been, on the *Registry*. These notices appear on a routine title search.

What restrictions are placed on the registered properties?

The use of property listed on the *Registry* may not change substantially without the written approval of the Missouri Department of Natural Resources. Missouri regulation 10 CSR 25-10.010(3) specifies that the change in use is substantial if it may result in the spread of contamination, increase human exposure to hazardous materials, increase environmental impacts, or make potential actions to correct problems at the site more difficult.

Approval of changes in ownership is not required. However, the law and regulations require that the seller must notify the buyer that the site is listed on the *Registry*, prior to sale, early in the negotiation process. Within 30 days after the transfer of title, the seller shall notify the department, in writing, of the transfer. At that time, the seller shall provide a notarized statement, signed by the buyer, to the department. The document must state that the buyer has received a copy of the Registry placement letter for the property, along with any applicable use restrictions and other Registry information for the site. In the event these restrictions are violated, or there is reason to believe they will be violated, the department may institute civil action in any court of competent jurisdiction. Decisions issued by the department regarding change in use of a site may be appealed to the Missouri Hazardous Waste Management Commission.

PUB002093

Recycled Paper

How does the Registry process work?

The department's Hazardous Waste Program conducts site investigations of potential abandoned or uncontrolled waste disposal sites, and identifies those that should be placed on the Registry. When the presence of hazardous waste disposal is confirmed at a site, the department notifies the owner(s) of the site that it intends to place the property on the Registry. The notification is sent by certified mail to the owner 30 days before the site is to be added to the Registry.

The owner of the site can appeal its proposed addition to the Registry, and no site can be listed on the Registry until the appeal is resolved.

In order to keep the site off the Registry once it has been proposed for listing, property owners may elect to remove the contamination. This is achieved by the owner signing a consent agreement and implementing a cleanup, with department oversight. After cleanup of the property is completed, the department will withdraw the proposal to place the property on the Registry. If an appeal cannot be resolved through negotiation, the Missouri Hazardous Waste Management Commission may convene a public hearing or assign a hearing officer to resolve the matter.

Will the whole property be listed on the Registry if only a portion is contaminated?

The Registry was established for the purpose of protecting potential property buyers, and was, therefore, designed such that the department must rely on a legal description, usually from a deed, in its designation of an area to be placed on the Registry. When a site is to be placed on the Registry, the department must file a notice concerning disposal of hazardous waste at the property with the Recorder of Deeds.

In practice, this often means that a larger property than the actual contaminated site is proposed for or placed on the *Registry*. Under Missouri Regulation 10 CSR 25-10.010(6), the owner or responsible party may have the site surveyed by a licensed land surveyor to reduce the area to be listed on the *Registry*. The reduced area must include a 100-foot minimum buffer zone extending laterally in all directions from the known edge of contamination, either on or below ground surface, except where prohibited by public right of way. The surveyor must install permanent survey markers at the corners of the surveyed area. When the survey option is not used, and an uncontaminated area is registered along with a contaminated area, the department must use discretion in the application of Registry restrictions with respect to the uncontaminated portions of the property.

How can I get a copy of the specific laws and regulations governing the Registry?

You may request a copy of the Missouri Hazardous Waste Management Law, Chapter 260.350, et seq. of the Revised Statutes of Missouri, and Title 10, Division 25, Chapter 10 of the Code of State Regulations from the Missouri Secretary of State's Office. The Revised Statutes of Missouri are available on the Internet at www.moga.state.mo.us/homestat.htm. The Code of State Regulations is available on the Internet at www.mosl.sos.state.mo.us/csr/csr.htm.

Does the Registry provide a complete listing of all the hazardous sites in Missouri?
No. *The department makes every effort to provide the most complete Registry possible;* however, many eligible sites are not yet listed due to pending or ongoing investigations, cleanup negotiations or appeals.

Also, the *Registry* lists only those sites known to be contaminated with substances that meet the definition of hazardous waste. Hazardous waste is defined as any waste that is ignitable,

corrosive, reactive, toxic or is listed as a hazardous waste in state or federal regulations. Many substances that are hazardous are not classified as hazardous waste. Such substances are known simply as hazardous substances. Sites contaminated with hazardous substances may not be listed on the Registry. It is possible for these sites to be addressed through other state and federal laws.

Finally, unreported facilities or contaminated sites may exist, which the department is either not aware of or is not actively involved with.

Where can I find information about the locations of hazardous substance sites in Missouri?

The U.S. Environmental Protection Agency (EPA) maintains a tracking record known as the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). CERCLIS lists all of the sites that are suspected of having had a release of a hazardous substance on the property. The database contains information on site investigations and remediation activities at hazardous substance sites. You may access CERCLIS on the Internet at www.epa.gov/superfund/sites/cursites/index.htm. You may also request written information regarding CERCLIS under the auspices of the Freedom of Information Act by writing the EPA Region VII office, 901 North 5th Street, Kansas City, KS 66101.

How can I get a free copy of the Missouri Registry List?

Request the List from the Hazardous Waste Program's Superfund Section at (573) 751-8629 or 1-800-334-6946. Written requests may be mailed to the Missouri Department of Natural Resources, Hazardous Waste Program, Superfund Section, P.O. Box 176, Jefferson City, MO 65102. This free publication lists Missouri hazardous waste sites on the Registry. It includes owners' names, site location, and type of waste found at the sites. It is available in several formats, including printed and electronic.

What other hazardous waste site publications are available to the public?

The Missouri Department of Natural Resources' tracking record, the Registry Log, lists the sites that have been proposed, appealed or confirmed for the Registry. This free publication includes owners' names, site location and type of waste found at the sites. It is available in several formats, including printed and electronic.

The department publishes the *Missouri Registry Annual Report: Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri and Hazardous Waste Remedial Fund Statement of Revenues, Expenditures and Changes in Fund Balance Annual Report* each January. This report is nearly 300 pages long and contains detailed descriptions of the sites that are listed on the Registry. For each site, the *Missouri Registry Annual Report* provides site location map, address, waste type, site description, present property owner, environmental problems related to site, remedial actions at site, geologic and hydrogeologic description, public drinking water advisory and health assessment. In addition to site specific information, the report provides a narrative of state and federal Superfund activities in Missouri, and the Hazardous Waste Remedial Fund Statement of Revenues, Expenditures and Changes in Fund Balance. Appendices include health chemical tables, state hazardous waste laws and applicable Registry regulations. This report is provided by law each year to the governor, the General Assembly, the Hazardous Waste Management Commission and the governing body containing a registered site. The department charges a fee for this publication in order to cover the cost of printing.

Please contact the department's Superfund Section at (573) 751-8629 to learn the current cost for this publication.

The department may also provide the U.S. Environmental Protection Agency's *National Priorities List of Missouri Sites.* This free publication is a one-page listing of Superfund sites in Missouri that includes site location, city and county.

To obtain any of the materials listed above, send a written request, with payment (if required), to the Missouri Department of Natural Resources, Hazardous Waste Program, Superfund Section, PO Box 176, Jefferson City, MO 65102. Please make all checks payable to Missouri Department of Natural Resources

For More Information

For more information on the Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri call or write

Missouri Department of Natural Resources
Hazardous Waste Program
Superfund Section
P.O. Box 176
Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-8629
(www.dnr.state.mo.us/alpd/hwp) Internet Home Page